



CANTOR COLBURN LLP  
INTELLECTUAL PROPERTY ATTORNEYS  
55 Griffin Road South  
Bloomfield, CT 06002  
tel: (860) 286-2929  
fax: (860) 286-0115

**FACSIMILE TRANSMITTAL SHEET**

DATE: August 11, 2005

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FROM: Pat DiGregorio (Cantor Colburn LLP)

OUR REF: GEM-0030 (124509)

YOUR REF: USSN 10/707,072

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(INCLUDING THIS COVER SHEET): 5

**COMMENTS: TO WHOM IT MAY CONCERN:**

Please find enclosed the Base Issue Fee and Publication Fee Transmittal Form for U.S. Serial No. 10/707,072. Also find a enclosed a "FEE ADDRESS" INDICATION FORM (1 page) and "COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE" (2 pages).

Please charge the Base Issue Fee, Publication Fee and Advance Order Fee (\$1,700) to Deposit Account 07-0845.

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FAX NO. 8602860115

P. 04

Appln. No. 10/707,072  
Docket No. 124509 / GEM-0030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/707,072 : Confirmation No.: 1071  
Applicant: Thomas Penn : Group Art Unit: 2832  
Filed: November 19, 2003 : Examiner: Barrera, Ramon M.  
Docket No.: 124509 / GEM-0030 :

For: CRYOGEN PRESSURE VESSEL ASSEMBLY FOR SUPERCONDUCTING  
MAGNETS

August 10, 2005

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Commissioner for Patents  
P.O. Box 1450  
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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for Allowance presented in the Notice of Allowance dated May 19, 2005.

CERTIFICATE OF MAILING OR TRANSMISSION

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Patricia DiGregorio  
Name

*Patricia DiGregorio*  
Signature

August 11, 2005  
Date

Appl. No. 10/707,072  
Docket No. 124509 / GEM-0030

The Examiner remarks in Paper No. 20050222, page 3, that Laskaris, the closest prior art of record, failed to teach or disclose "*a second pair of coil former walls extending radially outward about a perimeter of said second cylindrical shell*".

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks suggest or state that certain limitations or combinations not found in the prior art are present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons implies that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, elements may be found in one claim but not in another. Accordingly, the other claims, and claims dependent from the other claims that do not recite the same as the one claim, are not so limited. More specifically, allowed independent Claims 1, 16, 20, 23, 26 and 29 do not recite "*a second pair of coil former walls extending radially outward about a perimeter of said second cylindrical shell*". Accordingly, these claims, and claims dependent from these claims that do not recite the same, are not so limited.

Respectfully submitted,

CANTOR COLBURN LLP

Applicant's Attorneys

By: 

David Arnold  
Registration No: 48,894  
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002  
Telephone: (860) 286-2929  
Fax: (860) 286-0115